IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES
Group Art Unit: 2419 Examiner: Phunkulh, Bob A.

Inventor:	Dan Kikinis
Case:	P3295
Serial No.:	09/024,923
Filed:	February 17, 1998
Subject:	Telephone Network Interface Bridge between Data Telephony Networks and Dedicated Connection Telephony Networks

Mail Stop Appeal Brief – Patents
Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Dear Sirs:

APPEAL BRIEF

1.0 Real Party in Interest

All inventions in the disclosure in the present case are assigned to or assignable to:

Genesys Telecommunications Laboratories, Inc.

2.0 Statement of related cases

One Appeal Brief was previously filed in this case on 12/18/2003.

3.0 Jurisdictional statement

The present Appeal Brief is taken from the decision of the examiner mailed 12/23/2008 under statute 35 U.S.C. 134. The present Appeal Brief follows a Notice of Appeal filed 01/30/2009. No extension of time has been requested.

4.0 Table of contents

5.0 Table of authorities

No authorities are asserted by appellant in the present Appeal Brief.

6.0 Status of pending claims

1-55. Canceled

56. Rejected

60. Rejected

61. Rejected

62. Rejected

63. Rejected

64. Rejected

7.0 Status of Amendments

No amendments have been filed subsequent to filing a Notice of Appeal

8.0 Rejections to be reviewed

Claims 59-64 are rejected under 35 U.S.C. 103(a) as being unpatentable over *CHINNI* et al. (US 6,205,135), hereinafter *CHINNI.*

9.0 Statement of facts

The present Appeal Brief is in response to a final rejection mailed on 12/23/2008. The only rejection contained in the final rejection is 103(a) as being unpatentable over Chinni et al. (US 6,205,135). Chinni is the only reference relied upon in the rejection. Chinni was asserted as the only reference in one immediately prior Office Action mailed 5/29/2008 in which the Examiner presented one rejection under 35 U.S.C. 102(e) as being anticipated by Chinni et al. (US 6,205,135). In response to appellant's arguments regarding Chinni, the Examiner asserted a 103(a) rejection relying upon the single reference.

10.0 Argument

10.1 Regarding independent claim 59

The Examiner states in the Office Action mailed 12/23/2008; page 3, 3rd paragraph:

Regarding claim 59, *CHINNI* discloses a telephony bridge unit (alternate access platform 100 functions as a bridge, see figure 1), comprising:

a first interface for connecting to a connection-oriented switched telephony (COST) network (one interface of alternate access platform100 "AAP coupled to local exchange 150, which is part PSTN, see figure 1 and col. 3 lines 8-11); a second interface for connecting to a data network for data network telephony (DNT) calls (second interface for connecting to Internet, see figure 1);

Appellant's response

Appellant believes the Examiner errs when relying upon a single access platform 100 of Chinni to read on appellant's bridge unit, as claimed. Chinni teaches two separate alternate access platforms, 100 and 200, which

the Examiner actually relies upon to teach the functions of applicant's claimed single Bridge Adapter Unit. (see Chinni col. 6, lines 16-30). Applicant's claimed adaptor bridge comprises all of the elements and functions recited in claim 59. Chinni's single platform 100 does not possess all of the elements and functions as appellant's claimed bridge adaptor unit.

The Examiner states (page 3, 3rd paragraph) Chinni teaches:

a processor for managing operations of the bridge unit (the CPU 120 in AAP 100 see figure 2); and

a data repository storing code and data;

wherein the bridge unit, receiving a call from a caller on the COST network (see col. 2 lines 24-26), accesses a look-up table in the data repository relating COST telephone numbers to data network addresses (see col. 6 lines 16-30), retrieves a data network address associated with the COST telephone number (see col. 6 lines 16-30), places a data network call on the DNT network to a destination using the data network address (see col. 6 lines 16-30), connects the incoming COST and outgoing DNT calls (see col. 6 lines 16-30), and translates protocol in both directions between the COST and the DNT

networks while the calls are connected (the AAP 100 translates the protocol between the PSTN (circuit switch) and the Internet (packet switch), see figure 1 and col. 6 lines 16-30), and in the event of receiving a call on the data network, accesses information in the received call indicating a COST telephone number,

places a call on the COST network to the COST number, connects the incoming DNT and outgoing COST calls,

and translates protocol in both directions between the DNT and the COST networks while the calls are connected (see col. 6 lines 16-30; and col.6 lines 50-53).

LI fails to explicitly discloses that the network address representing final destinations for the COST calls or the called telephone device having it own IP address.

LI, however, discloses that PC to PC calls the caller dialed the destination IP address by replacing the dot "." with pound sign " # (see col. 7 lines 15-35).

Therefore, it would have been obvious to one having ordinary skill in the art at the time of invention was made includes the destination IP address of the telephone (PC phone) at the AAP 100 in

order to offer POTS to PC calls over cost saving Internet network.

Appellant response

The Examiner apparently has erred when presenting a reference "LI". This reference was not presented in any rejection and applicant is hesitant to make assumptions as to what reference the Examiner relies upon in said statement. For the sake of the present Appeal Brief, appellant must assume the Examiner means "Chinni" when presenting "LI", and this seems to be true because the quotation from Li by the examiner actually is found in Chinni.

The appellant argues that the Examiner's assertion that Chinni accesses a look-up table in the data repository relating COST telephone numbers to data network addresses (see col. 6 lines 16-30), is not correct. Chinni specifically teaches that for a call received in COST, to be temporarily routed on a data-packet network , the area code is utilized to "map" an IP address of a platform 200 capable of receiving the call from AAP 100 and forwarding the call to the COST destination telephone number (see Chinni col. 6, lines 16-30). This argument was first presented in the response filed by appellant on September 08, 2008. Although the

Examiner provides col. 6 lines 16-30 of Chinni to teach said limitation, the Examiner admits,

> "*LI* fails to explicitly discloses that the network address representing final destinations for the COST calls or the called telephone device having it own IP address."

Appellant argues for the first time that appellant's claim 59 does not claim "the network address representing final destinations for the COST calls or the called telephone device having it own IP address" as stated by the Examiner. Here, appellant points out a basic examination error made by this Examiner and many others in appellant's experience. The Examiner has effectively reworded applicant's claim limitation, offering a different interpretation in order to apply a reasoning of obviousness. Appellant's claim specifically recites, "wherein the bridge unit, receiving a call from a caller on the COST network, accesses a look-up table in the data repository relating COST telephone numbers to data network addresses.

The Examiner states for the first time:

> "*LI,* however, discloses that PC to PC calls the caller dialed the destination IP address by replacing the dot "." with pound sign " # (see col. 7 lines 15-35).

Therefore, it would have been obvious to one having ordinary skill in the art at the time of invention was made includes the destination IP address of the telephone (PC phone) at the AAP 100 in order to offer POTS to PC calls over cost saving Internet network."

Appellant is at a loss as to how the act of a caller entering a "#" instead of a "." could read on appellant's said claim limitation. Appellant argues that in Chinni IP address associated with received COST calls and the COST call telephone numbers received with a received DNT call are for said alternate access platforms in the network, not intended final destinations of the calls placed as DNT or COST calls, as claimed. Appellant made this argument in the response filed September 08, 2008.

Appellant argues for the first time that in every embodiment of Chinni, the caller, whether COST or IP, must first dial the AAP 100 and then enter the destination number (see Chinni col. 7 lines 55-65). Therefore, there is no motivation in Chinni to accesses a look-up table in the data repository relating COST telephone numbers to data network addresses and vice versa. The advantage of appellant's invention is then providing a true intelligent protocol conversion bridge unit which performs said functions invisible to the caller.

Appellant further argues that the Examiner errs when stating that Chinni teaches:

"…and in the event of receiving a call on the data network, accesses information in the received call indicating a COST telephone number, places a call on the COST network to the COST number, connects the incoming DNT and outgoing COST calls,
and translates protocol in both directions between the DNT and the COST networks while the calls are connected (see col. 6 lines 16-30; and col.6 lines 50-53)."

Appellant argues that it is clear in the teaching of Chinni that what the Examiner considers a received DNT call in Chinni is actually a call setup signaling message to set up a call on a data network, not the actual communicated call from a DNT caller, as claimed (col. 6, lines 36-39). This argument was presented to the Examiner in the response filed by appellant on September 08, 2008.

Therefore, appellant has adequately proven in the present Appeal Brief that the Examiner's interpretation of the art of Chinni in relation to the claim limitations of independent claim 59 is faulty. Additionally, appellant has adequately shown that the Examiner's reasoning for obviousness is not

founded in the art.

Regarding independent method claim 62, the above arguments and reasoning are separately made and apply in kind for the patentability of claim 62, as claim 62 incorporates similar limitations.

Regarding dependant claims 60-61 and 63-64, said claims stand or fall together and are patentable on their own merits, or at least as depended from a patentable claim.

11.0 Appendix

11.1 Claims section

59. (Rejected) A telephony bridge unit, comprising:

a first interface for connecting to a connection-oriented switched telephony (COST) network;

a second interface for connecting to a data network for data network telephony (DNT) calls;

a protocol converter for converting calls between DNT and COST network protocols;

a processor for managing operations of the bridge unit; and

a data repository storing code and data;

wherein the bridge unit, receiving a call from a caller on the COST network, accesses a look-up table in the data repository relating COST telephone numbers to data network addresses representing final destinations for the COST calls, retrieves a data network address associated with the COST telephone number, places a data network call on the DNT network to a destination using the data network address, connects the incoming COST and outgoing DNT calls, and translates protocol in both directions between the COST and the DNT networks while the calls are connected, and in the

event of receiving a call from a caller on the data network, accesses information in the received call indicating a COST telephone number final destination, places a call on the COST network to the COST number, connects the incoming DNT and outgoing COST calls, and translates protocol in both directions between the DNT and the COST networks while the calls are connected.

60. (Rejected) The bridge unit of claim 59 wherein the COST network is a publicly switched telephony (PSTN) network.

61. (Rejected) The bridge unit of claim 59 wherein the data network is the Internet, and the DNT calls are Internet Protocol Network Telephony (IPNT) calls or voice over Internet protocol (VoIP) calls.

62. (Rejected) A method for managing telephone calls in different protocols, comprising steps of:

(a) upon receiving a call for a specific final destination from a connection-oriented switched telephony (COST) network at a bridge unit having a first interface for connecting to the COST network and a second

interface for connecting to the DNT network, retrieves a data network address associated with the COST telephone number, places a call on the DNT network using the retrieved destination, connects the incoming COST and outgoing DNT calls, and translates protocol in both directions between the COST and the DNT networks while the calls are connected; and

(b) upon receiving a call for a specific final destination from a caller from the data network , uses a COST number received with the call to place a COST call to that number, connects the incoming DNT and outgoing COST calls, and translates protocol in both directions between the COST and the DNT networks while the calls are connected.

63. (Rejected) The method of claim 62 wherein the COST network is a publicly switched telephony (PSTN) network.

64. (Rejected) The method of claim 62 wherein the data network is the Internet, and the DNT calls are Internet Protocol Network Telephony (IPNT) calls or voice over Internet protocol (VoIP) calls.

11.2 Claim support section

59. A telephony bridge unit **{pg. 16, lines 15-19}**, comprising:

a first interface for connecting to a connection-oriented switched telephony (COST) network **{pg. 16, lines 15-19}**;

a second interface for connecting to a data network for data network telephony (DNT) calls **{pg. 16, lines 15-19}**;

a protocol converter for converting calls between DNT and COST network protocols **{pg. 16, lines 22-25}**;

a processor for managing operations of the bridge unit **{pg. 20, lines 3-15}**; and

a data repository storing code and data **{pg. 16, lines 24-26}**;

wherein the bridge unit, receiving a call from a caller on the COST network, accesses a look-up table in the data repository relating COST telephone numbers to data network addresses representing final destinations for the COST calls, retrieves a data network address associated with the COST telephone number, places a data network call on the DNT network to a destination using the data network address **{pg. 16, line 22 to pg. 17, line 4}**, connects the incoming COST and outgoing DNT calls, and translates protocol in both directions between the COST and the DNT networks while

the calls are connected **{pg. 16, lines 15-21}**, and in the event of receiving a call from a caller on the data network, accesses information in the received call indicating a COST telephone number final destination, places a call on the COST network to the COST number, connects the incoming DNT and outgoing COST calls, and translates protocol in both directions between the DNT and the COST networks while the calls are connected **{pg. 18, lines 4-15}**.

60. The bridge unit of claim 59 wherein the COST network is a publicly switched telephony (PSTN) network **{pg. 11, lines 7-13}**.

61. The bridge unit of claim 59 wherein the data network is the Internet, and the DNT calls are Internet Protocol Network Telephony (IPNT) calls or voice over Internet protocol (VoIP) calls **{pg. 3, line 20 to Pg. 4, line 5}**.

62. A method for managing telephone calls in different protocols, comprising steps of:

(a) upon receiving a call for a specific final destination from a connection-oriented switched telephony (COST) network at a bridge unit

having a first interface for connecting to the COST network and a second interface for connecting to the DNT network, retrieves a data network address associated with the COST telephone number, places a call on the DNT network using the retrieved destination, connects the incoming COST and outgoing DNT calls **{pg. 16, line 22 to pg. 17, line 4}**, and translates protocol in both directions between the COST and the DNT networks while the calls are connected **{pg. 16, lines 15-21}**; and

(b) upon receiving a call for a specific final destination from a caller from the data network , uses a COST number received with the call to place a COST call to that number, connects the incoming DNT and outgoing COST calls, and translates protocol in both directions between the COST and the DNT networks while the calls are connected **{pg. 18, lines 4-15}**.

63. The method of claim 62 wherein the COST network is a publicly switched telephony (PSTN) network **{pg. 11, lines 7-13}**.

64. The method of claim 62 wherein the data network is the Internet, and the DNT calls are Internet Protocol Network Telephony (IPNT) calls or voice over Internet protocol (VoIP) calls**{pg. 3, line 20 to Pg. 4, line 5}**.

11.3 Drawing analysis section

59. A telephony bridge unit**{87; Fig. 5}**, comprising:

a first interface for connecting to a connection-oriented switched telephony (COST) network **{13, 23; Fig. 5}**;

a second interface for connecting to a data network for data network telephony (DNT) calls**{15, 25; Fig. 5}**;

a protocol converter for converting calls between DNT and COST network protocols **{87, Fig. 5}**;

a processor for managing operations of the bridge unit **{95, Fig, 5}**; and

a data repository storing code and data **{87, Fig. 5}**;

wherein the bridge unit, receiving a call from a caller on the COST network, accesses a look-up table in the data repository relating COST telephone numbers to data network addresses representing final destinations for the COST calls, retrieves a data network address associated with the COST telephone number, places a data network call on the DNT network to a destination using the data network address, connects the incoming COST and outgoing DNT calls, and translates protocol in both directions between

the COST and the DNT networks while the calls are connected, and in the event of receiving a call from a caller on the data network, accesses information in the received call indicating a COST telephone number final destination, places a call on the COST network to the COST number, connects the incoming DNT and outgoing COST calls, and translates protocol in both directions between the DNT and the COST networks while the calls are connected.

11.4 Means or step plus function analysis section

Not Applicable. Applicant has no means or step plus function claims on appeal.

11.5 Evidence section

1) Final rejection mailed 12/23/2008 is the Office Action setting out the rejection on appeal.

2) Chinni (US 6,205,135) is the only reference used by the Examiner in the rejection.

3) Response filed by Appellant on 09/08/2008.

Respectfully Submitted,
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